IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 4857 of 2007(C)

PETITIONER:

N.VASANTHA KUMAR,
S/O.NEELAKANDAN PILLAI, AGED 51 YEARS,
ADMINISTRATIVE ASSISTANT, K.A.P. IIN BATTALION,
PALAKKAD DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR GENERALA OF POLICE, POLICE HEAD QUARTERS, TRIVANDRUM.

3. SMT.K.J.MARY, ADMINISTRATIVE ASSISTANT, DISTRICT POLICE OFFICE (RURAL), ALUVA, ERNAKULAM DISTRICT.

R1 & 2 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 4857 OF 2007 C
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Dated this the 9th March, 2007

J U D G M E N T

The petitioner is now working as Administrative Assistant, K.A.P. IInd Battalion, Palakkad District. He is desirous of getting a posting in Ernakulam District. Pursuant to Ext. P2 judgment passed by this Court on 11-10-2006, Government issued Ext. P3 letter dated 5-12-2006 informing the petitioner that his request for transfer to Ernakulam District will be considered when the question of transfer of Smt. Soudamini to Thiruvananthapuram is taken up, after 31-1-2007. On 30-1-2007 Government passed Ext. P4 which is impugned in this writ petition. As per Ext. P4 the 3rd respondent has been transferred and posted in the District Police Office, Ernakulam Rural vice Smt. T. Soudamini, Administrative Assistant granted leave. The petitioner feels that the Government have gone back from the promise given to him as per Ext. P3 and has favoured respondent No. 3.

2. Govt. Pleader, on instruction, submits that the petitioner's case was not specifically taken up for

consideration before passing Ext. P4 since Smt. Soundamini availed leave and the vacancy arose before 31-1-2007.

3. Though the above stand taken by the Government appears to be too technical, in view of the fact that the 3rd respondent is said to be a person due to retire from service in 2008 and the Government have followed its own policy that the government employees due to retire from service on superannuation within two years will be given posting as far as possible in a place of their choice and since the petitioner is due to retire from service in the year 2011, I do not think that this is a case which calls for interference in the writ jurisdiction of this Court. However, it is to be stated that the Government have got a duty to consider the case of the petitioner against the next arising vacancy in Ernakulam District, subject, of course, to exigencies of service and public interest, because such a consideration was promised as seen from Ext. P3 issued pursuant to Ext. P2. It is open to the petitioner to bring to the notice of the Government a future vacancy arising in Ernakulam District and to

make specific request for a posting at that point of time.

With the above observations, the writ petition is disposed of.

K.K. DENESAN
JUDGE

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